

REMARKS

Claims 1-33 are pending in this application. By this Amendment, claims 22 and 23 are amended. No new matter is added.

Applicant gratefully acknowledges that claims 1-21 and 25-27 are allowed. For at least the following reasons, Applicant respectfully submits that claims 22-24 and 28-33 are also allowable.

The Office Action rejects claims 23, 24 and 31 under 35 U.S.C. 102(b) over EP 506,564 to Morel and rejects claims 22, 28-30, 32 and 33 over Morel in view of U.S. Patent No. 6,890,115 to Le Moing. These rejections are respectfully traversed.

Independent claim 23 recites, *inter alia*, “a spring connecting the handle member to the retainer and allowing the retainer to move in a direction parallel to the axis and to depart from the axis at least during application.” It is respectfully submitted that Morel fails to disclose, teach or suggest these features.

In Fig. 4, relied upon by the Office Action, Morel discloses an applicator having a support 8' slidably mounted on a receptacle 1' such that the support 8' can move only in a direction parallel to the axis of the receptacle 1' during application. This is contrary to the features of claim 23 of a spring that allows the retainer to move in a direction parallel to the axis of the retainer and to depart from the axis at least during application. Accordingly, Morel cannot reasonably be considered to anticipate the features recited in independent claim 23.

As such, Applicant respectfully submits that claim 23 is patentable over Morel. Claims 24 and 31 are patentable at least in view of the patentability of claim 23 from which they depend, as well as for the additional features they recite.

Independent claim 22 similarly recites, *inter alia*, “a foam connecting the handle member to the retainer and allowing the retainer to move in a direction parallel to the axis and

to depart from the axis at least during application.” As discussed above, Morel fails to disclose, teach or suggest these features.

Le Moing does not remedy this deficiency of Morel. As shown in Figs. 3a-c of Le Moing, a product holder element 30 is movable only in a direction parallel to an axis X of the applicator assembly 1. Accordingly, neither Morel nor Le Moing, alone or in permissible combination, anticipates the features recited in independent claim 22.

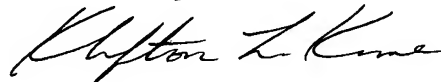
As such, Applicant respectfully submits that both independent claims 22 and 23 are patentable over Morel. Claims 28-30, 32 and 33 are patentable at least in view of the patentability of claims 22 and 23 from which they respectively depend, as well as for the additional features they recite.

Therefore, reconsideration and withdrawal of the rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 22-24 and 28-33, in addition to claims 1-21 and 25-27, are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Request for Continued Examination

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